IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

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WRIT PETITION NO : 12781 of 2002

Between:

Shankar, S/o. Late Gurulingam,
R/o. 1-2-365/3, Gaganmahal,
Street No.6, Lane No.2, Somajiguda, Hyderabad.

..... PETITIONER

AND

1 Government of India, Ministry of Home Affairs,

Rep. by its Deputy Secretary, Freedom Fighters Division,
Loknayak Bhavan, New Delhi.
2 The Government of A.P., Revenue (FFIV) Department,

Rep. by its Secretary, Secretariat Buildings, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 1st Respondent in not granting the Freedom Fighters Pension to the Petitioner as illegal, arbitrary, null and void and consequently direct Respondent No.1 to consider the petitioner's applications dated 10/01/1977, 25/09/1987 and 19/01/1998 etc., basing on the prison certificate dated 02/02/1976 issued by the superintendent, Central Prison, Hyderabad and to pay the Freedom Fighters Pension to the Petitioner since 1972 under the

"SWATANTRA SAINIK SANMAN PENSION SCHEME".

Counsel for the Petitioner: MR. G.M.RAVI KUMAR

Counsel for Respondent No.1: MR. G.S.PRAKASH RAO (STANDING COUNSEL FOR CENTRAL GOVERNMENT)

Counsel for Respondent No.2: GOVERNMENT PLEADER FOR REVENUE

The Court made the following:

ORDER:

This writ petition is filed assailing the action of the first respondent in not granting the Freedom Fighters Pension to the petitioner as illegal, arbitrary, null and void, and consequently seeking a direction to the first respondent-Government of India to consider the representations of the petitioner dated 10-01-1977, 25-09-1987 and 19-01-1998 basing on the prison certificate dated 02-02-1976 issued by the Superintendent, Central Prison, Hyderabad and to pay the Freedom Fighters Pension to him since 1972 under the “Swatantra Sainik Sanman Pension Scheme.”

2. It is the case of the petitioner that he participated in the Hyderabad State Freedom Movement launched by the Hyderabad State Congress under the leadership of Swamy Ramanand Tirth. He was arrested under Sections 123, 124 and 379 of Hyderabad State Safety Act and was under detention from 12-03-1948 to 09-10-1948 in the Central Jail of Hyderabad. The Government of India vide letter No.8/37/72, dated 24-04-1973, has granted pension to freedom fighters under the Scheme known as Freedom Fighters Pension Scheme of 1972, with an eligibility that those who have suffered a minimum imprisonment of six months. Accordingly, on 10-01-1977, the petitioner made a representation to the Union Minister of State for

Home Affairs, Government of India, New Delhi, for freedom fighters pension as he was in jail for more than six months. Subsequently also, he made representations dated 25-09-1987 and 19-01-1998 to the Ministry of Home Affairs, Government of India, for sanction of pension under “Swatantra Sainik Sanman Pension Scheme”. When the claim of the petitioner was not considered for grant of Freedom Fighters Pension, he approached this Court and filed the present writ petition.

3. After receipt of notice, the first respondent-Government of India has filed counter affidavit submitting that the application of the petitioner for freedom fighters pension was received by the Ministry on 21-05-1987. Thereafter, the second respondent-Government of Andhra Pradesh was addressed to submit its verification report. The first respondent has referred the representation of the petitioner dated 25-09-1987 to the second respondent on 11-09-1989 under intimation to the petitioner. But, due to pendency of the verification cum entitlement report from the second respondent, the claim of the petitioner for grant of freedom fighters pension was not considered by the first respondent.

4. The learned Government Pleader for Revenue appearing on behalf of the second respondent submitted under detailed instructions that in pursuance of the instructions received from the first respondent-Government of India, the Revenue Divisional Officer, Secunderabad, through his letter dated 09-12-2003 instructed the Mandal Revenue Officer, Ameerpet, to verify and submit a report regarding entitlement of the petitioner to grant freedom fighters pension. When the matter has got enquired through the M.R.O., it reveals that the house of the petitioner bearing No.1-2-365/3, Gagan Mahal, Street No.6, Lane No.2, Somajiguda, Hyderabad, is not traced and therefore, the enquiry could not be conducted.

5. Considering the facts and circumstances of the case, I direct the petitioner to appear before the Revenue Divisional Officer, Secunderabad, within a period of two weeks from today with all

necessary documentary evidence to enable the R.D.O to submit a report to the first respondent-Government of Andhra Pradesh, which in its turn submit a report to the second respondent-Government of India for its consideration of the representation of the petitioner for grant of freedom fighters pension under the "Swatantra Sainik Sanman Pension Scheme."

6. The writ petition is accordingly disposed of. No order as to costs.

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ELIPE DHARMA RAO, J

19th July, 2005.

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ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Deputy Secretary, Freedom Fighters Division, Ministry of Home Affairs, Government of India, Loknayak Bhavan, New Delhi.
2. The Secretary, Revenue (FFIV) Department, Government of A.P., Secretariat Buildings, Hyderabad.

3. Two CCs to the Government Pleader for Revenue,

High Court Buildings, Hyderabad (O.U.T).

4. Two CD copies.